

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-293-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO., LTD.;	)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,	)	
INC.; SAMSUNG SEMICONDUCTOR	)	<b>(Filed Under Seal)</b>
INC.,	)	
	)	
Defendants.	)	

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NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-294-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;	)	
MICRON SEMICONDUCTOR	)	
PRODUCTS, INC.; MICRON	)	
TECHNOLOGY TEXAS LLC,	)	
	)	
Defendants.	)	

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**DECLARATION OF JASON G. SHEASBY IN SUPPORT OF PLAINTIFF NETLIST,  
INC.'S OPPOSITION TO SAMSUNG'S MOTION TO STAY**

**I, Jason Sheasby, declare as follows:**

1. I am an attorney at the law firm of Irell & Manella LLP, counsel for Plaintiff Netlist, Inc. (“Netlist”) in the above captioned action. I am a member of good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist’s Opposition to Samsung’s Motion to Stay. I have personal knowledge of the facts stated herein, and will testify competently thereto should it please the Court.

2. Netlist has produced 50,712 documents spanning 426,326 pages, subpoenaed 12 third parties, and expended significant resources in preparing opening expert reports.

3. The Accused Products in this case are DDR4 LRDIMMs and RDIMMs, which are now at the end of their life due to rollout of next generation DDR5 DIMMs.<sup>1</sup>

4. Attached as **Exhibit 1** is a true and correct copy of a document titled “Joint Development and License Agreement” executed on November 12, 2015.

5. Attached as **Exhibit 2** is a true and correct excerpted copy of the transcript of the oral argument from *Netlist Inc. v. Samsung Elecs. Co., Ltd.*, No.22-55209 (9th Cir. June 8, 2023).

6. Attached as **Exhibit 3** is a true and correct excerpted copy of the transcript of the March 29, 2023 Pretrial Conference from *Netlist Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:21-cv-463 (E.D. Tex.).

7. Attached as **Exhibit 4** is a true and correct excerpted copy of the deposition transcript of the December 8, 2022 Deposition of Indong Kim

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<sup>1</sup> <https://www.digitaltrends.com/computing/the-end-of-ddr4-ram/>.

8. Attached as **Exhibit 5** is a true and correct excerpted copy of Samsung's Proposed Statement of Uncontroverted Facts and Conclusions of Law from *Netlist Inc. v. Samsung Elecs. Co., Ltd.*, No. 8:20-cv-993, Dkt. 157-2 (C.D. Cal. August 17, 2021.).

9. Attached as **Exhibit 6** is a true and correct copy of emails between Samsung employees and Netlist employees dated between May 21, 2017 and May 24, 2017

10. Attached as **Exhibit 7** is a true and correct redacted copy of a document titled "Strategic Supply and License Agreement" executed on April 5, 2021.

11. Attached as **Exhibit 8** is a true and correct excerpted copy of the deposition transcript of the August 13, 2021 Deposition of Ho-Jung Kim.

12. Attached as **Exhibit 9** is a true and correct copy of emails between counsel for Samsung and counsel for Netlist dated between September 18, 2023 and October 13, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 2, 2023, in Los Angeles, California.

By: /s/ Jason Sheasby  
Jason Sheasby